

**U.S. District Court
District of Vermont (Burlington)
CIVIL DOCKET FOR CASE #: 2:17-cv-00197-cr**

Migrant Justice et al v. United States Department of Homeland
Security et al
Assigned to: Judge Christina Reiss
Cause: 05:552 Freedom of Information Act

Date Filed: 10/11/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Migrant Justice

represented by **Claudia E. Wilner , Esq.**
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Plaintiff

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V.

Defendant

**United States Department of Homeland
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Defendant

**United States Customs and Border
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Nikolas P. Kerest , AUSA
 (See above for address)
 TERMINATED: 02/12/2018
 ATTORNEY TO BE NOTICED

Owen C.J. Foster , AUSA
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 TERMINATED: 03/05/2019
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Defendant

**United States Immigration and
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Date Filed	#	Docket Text
10/11/2017	<u>1</u>	COMPLAINT for Declaratory and Injunction Relief for Violation of Freedom of Information against United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement filed by Migrant Justice, Matt Cameron. Summons issued. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Civil Cover Sheet)(law) (Entered: 10/11/2017)
10/27/2017	<u>2</u>	NOTICE OF APPEARANCE by Nikolas P. Kerest, AUSA on behalf of United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Kerest, Nikolas) (Entered: 10/27/2017)
10/27/2017	<u>3</u>	STIPULATED MOTION for Extension of Time to File Answer re <u>1</u> Complaint filed by All Defendants. (Attachments: # <u>1</u> Certificate of Service)(Kerest, Nikolas) (Entered: 10/27/2017)
10/27/2017	<u>4</u>	ORDER GRANTING <u>3</u> Stipulated Motion for Extension of Time to Answer re: <u>1</u> Complaint. Defendants' response to Plaintiffs' Complaint is due 12/15/2017. Signed by Chief Judge Christina Reiss on 10/27/2017. (This is a text-only Order.) (ejh) (Entered: 10/27/2017)
11/06/2017	<u>5</u>	AFFIDAVIT of Service filed by Migrant Justice, Matt Cameron. United States Customs and Border Protection served on 10/16/2017, answer due 12/15/2017; United States Department of Homeland Security served on 10/16/2017, answer due 12/15/2017; United States Immigration and Customs Enforcement served on 10/16/2017, answer due 12/15/2017(Ernst, Lia) (Entered: 11/06/2017)

11/20/2017	<u>6</u>	MOTION for Appearance Pro Hac Vice of Joshua Stehlik filed by Matt Cameron, Migrant Justice. (Attachments: # <u>1</u> Declaration of Joshua Stehlik, # <u>2</u> Certificate of Good Standing, # <u>3</u> Proposed Order, # <u>4</u> Certificate of Service)(jlh) (Entered: 11/21/2017)
11/27/2017	7	ORDER GRANTING <u>6</u> Motion of Joshua Stehlik, Esq. for Admission Pro Hac Vice. Signed by Chief Judge Christina Reiss on 11/27/2017. (This is a text-only Order.) (ejh) (Entered: 11/27/2017)
12/12/2017	<u>8</u>	JOINT MOTION to Relieve Defendants of Deadline to Answer the Current Complaint, MOTION to set a Schedule for Plaintiffs to File an Amended Complaint, MOTION to Set Deadline for Defendants to Respond to Amended Complaint filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service)(Kerest, Nikolas). Motion reliefs added on 12/13/2017 (jlh). (Entered: 12/12/2017)
12/14/2017	9	ORDER granting <u>8</u> JOINT MOTION to Relieve Defendants of Deadline to Answer the Current Complaint, MOTION to set a Schedule for Plaintiffs to File an Amended Complaint, MOTION to Set Deadline for Defendants to Respond to Amended Complaint. Amended Complaint due by 12/19/2017, Response to Amended Complaint due by 1/12/2018. The parties document production schedule must comply with Local Rule 26. Signed by Chief Judge Christina Reiss on 12/14/2017. (pac) (Entered: 12/14/2017)
12/19/2017	<u>10</u>	MOTION for Appearance Pro Hac Vice of Claudia Wilner filed by Matt Cameron, Migrant Justice. (Attachments: # <u>1</u> Declaration of Claudia Wilner, # <u>2</u> Certificate of Good Standing, # <u>3</u> Proposed Order, # <u>4</u> Certificate of Service)(jlh) (Entered: 12/20/2017)
12/19/2017	<u>11</u>	AMENDED COMPLAINT for Declaratory and Injunctive Relief for Violation of the Freedom of Information Act, 5:552 et seq. against United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement filed by Migrant Justice, Matt Cameron. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Amended Complaint-Red Lined)(pac) (Entered: 12/20/2017)
12/20/2017	12	ORDER GRANTING <u>10</u> Motion of Claudia Wilner, Esq. for Admission Pro Hac Vice. Signed by Chief Judge Christina Reiss on 12/20/2017. (This is a text-only Order.) (ejh) (Entered: 12/20/2017)
12/22/2017	<u>13</u>	STIPULATION and REQUEST to Stay Local Rule 26(a) by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service)(Kerest, Nikolas) Event/Text clarified on 12/27/2017 (jlh). (Entered: 12/22/2017)
12/27/2017	<u>14</u>	CERTIFICATE OF SERVICE by Matt Cameron, Migrant Justice re <u>11</u> Amended Complaint. (pac) (Entered: 12/27/2017)
12/27/2017	15	ORDER GRANTING <u>13</u> Stipulated Motion to Stay Local Rule 26(a). Signed by Judge Christina Reiss on 12/27/2017. (This is a text-only Order.) (ejh) (Entered: 12/27/2017)
01/12/2018	<u>16</u>	ANSWER to <u>11</u> Amended Complaint by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Certificate of Service)(Kerest, Nikolas) (Entered: 01/12/2018)
02/12/2018	<u>17</u>	NOTICE of Attorney Substitution by Owen C.J. Foster, AUSA as to United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement (Attachments: # <u>1</u> Certificate of Service)(Foster, Owen) (Entered: 02/12/2018)
02/12/2018	<u>18</u>	STATUS REPORT by all parties by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 02/12/2018)

02/15/2018	<u>19</u>	MOTION for Appearance Pro Hac Vice of Trudy Rebert filed by Matt Cameron, Migrant Justice. (Attachments: # <u>1</u> Declaration of Trudy S. Rebert, # <u>2</u> Certificates of Good Standing, # <u>3</u> Certificate of Service)(jlh) (Entered: 02/16/2018)
02/20/2018	20	ORDER GRANTING <u>19</u> Motion of Trudy Rebert, Esq. for Admission Pro Hac Vice. Signed by Judge Christina Reiss on 2/20/2018. (This is a text-only Order.) (ejh) (Entered: 02/20/2018)
04/13/2018	<u>21</u>	SECOND JOIN STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 04/13/2018)
04/23/2018	<u>22</u>	STATUS REPORT <i>Regarding a Stipulated Production Schedule, and Request for a Case Management Conference</i> by Matt Cameron, Migrant Justice. (Rebert, Trudy) (Entered: 04/23/2018)
04/25/2018	<u>23</u>	NOTICE of Hearing: Status Conference and Case Management Conference set for 5/8/2018 at 01:00 PM in Burlington Courtroom 542 before Judge Christina Reiss.(jbr) (Entered: 04/25/2018)
05/04/2018	<u>24</u>	RESPONSE re <u>22</u> Status Report <i>Regarding a Stipulated Production Schedule, and Request for a Case Management Conference</i> by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Foster, Owen) (Entered: 05/04/2018)
05/08/2018	25	MINUTE ENTRY for proceedings held before Judge Christina Reiss: Status Conference held on 5/8/2018. Trudy Rebert, Esq., Lia Ernst, Esq. present in person for pltf. Joshua Stehlik, Esq., present on the telephone for pltf. Owen C.J. Foster, AUSA present for dft. Court makes inquiries. Statements by counsel. ORDERED: with the exception of DHS, Federal Agency production should be completed by May 31, 2018. With the exception of FOIA requests 5,6, and 3, DHS shall provide a "hit list" by May 18, 2018. Thereafter, DHS shall commence a rolling production of 500 responsive documents every 30 days. The parties shall provide the court with a joint report setting further their proposals for a greater, lesser, or equal rolling production. (Court Reporter: Anne Pierce) (jbr) (Entered: 05/08/2018)
05/18/2018	<u>26</u>	STATUS REPORT : <i>Department of Homeland Security's Document Search Update</i> by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Certificate of Service)(Foster, Owen) (Entered: 05/18/2018)
06/13/2018	<u>27</u>	THIRD JOINT STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 06/13/2018)
06/28/2018	<u>28</u>	STATUS REPORT <i>Updated Proposal for DHS Production Schedule</i> by Matt Cameron, Migrant Justice. (Attachments: # <u>1</u> Certificate of Service)(Rebert, Trudy) (Entered: 06/28/2018)
07/11/2018	<u>29</u>	RESPONSE in Opposition re: <u>28</u> Status Report by United States Department of Homeland Security. (Attachments: # <u>1</u> Declaration of James V.M.L. Holzer, # <u>2</u> Certificate of Service)(Foster, Owen) Text clarified on 7/12/2018 (jlh). (Entered: 07/11/2018)
07/25/2018	<u>30</u>	REPLY re <u>28</u> Status Report by Matt Cameron, Migrant Justice (Attachments: # <u>1</u> Certificate of Service)(Ernst, Lia) (Entered: 07/25/2018)
08/02/2018	31	ORDER GRANTING <u>28</u> Updated Proposal for DHS Production Schedule. The court ordered the production of 500 documents, not 500 pages. (This is a text-only Order.) Signed by Judge Christina Reiss on 8/2/2018. (ejh) (Entered: 08/02/2018)
08/08/2018	<u>32</u>	NOTICE of Change of Address filed by Matt Cameron, Migrant Justice (Attachments: # <u>1</u> Certificate of Service)(Stehlik, Joshua) Filers clarified on 8/9/2018 (jlh). (Entered: 08/08/2018)
08/10/2018	<u>33</u>	UNOPPOSED MOTION for Extension of Time to File <i>Status Update</i> filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Foster, Owen) (Entered: 08/10/2018)

08/10/2018	<u>34</u>	ORDER granting <u>33</u> Motion for Extension of Time to File Status Update. Status Report due 8/25/2018. Signed by Judge Christina Reiss on 8/10/2018. (This is a text-only Order.) (jbr) (Entered: 08/10/2018)
08/24/2018	<u>35</u>	FOURTH JOINT STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 08/24/2018)
09/06/2018	<u>36</u>	TRANSCRIPT of Status and Case Management Conference hearing held on 5/8/2018, before Judge Christina Reiss, Judge. Court Reporter/Transcriber Anne Pierce, telephone number 802-860-2227. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/1/2018. Redacted Transcript Deadline set for 10/12/2018. Release of Transcript Restriction set for 12/10/2018. (jbr) (Entered: 09/06/2018)
10/23/2018	<u>37</u>	FIFTH JOINT STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 10/23/2018)
12/21/2018	<u>38</u>	STIPULATED MOTION for Extension of Time to File <i>Status Update</i> filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Foster, Owen) (Entered: 12/21/2018)
12/27/2018	<u>39</u>	ORDER granting <u>38</u> STIPULATED MOTION for Extension of Time to File Status Update. Status report due January 7, 2019. Signed by Judge Christina Reiss on 12/27/2018. (pac) (Entered: 12/27/2018)
01/02/2019	<u>40</u>	STIPULATED MOTION to Stay All Deadlines in Light of Lapse of Appropriations filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Foster, Owen) (Main Document 40 replaced on 1/3/2019) (law). (Entered: 01/02/2019)
01/03/2019	<u>41</u>	Entry removed from the docket. (Entered: 01/03/2019)
01/03/2019	42	NOTICE OF DOCKET ENTRY REMOVAL: Document 41 has been removed in light of Document <u>40</u> being replaced. (law) (Entered: 01/03/2019)
01/03/2019	43	ORDER GRANTING <u>40</u> Stipulated Motion for a Stay of All Deadlines in Light of Lapse of Appropriations. Signed by Judge Christina Reiss on 1/3/2019. (This is a text-only Order.) (ejh) (Entered: 01/03/2019)
01/30/2019	<u>44</u>	NOTICE <i>Regarding End of Lapse in Appropriations</i> by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement (Foster, Owen) (Entered: 01/30/2019)
02/12/2019	<u>45</u>	STIPULATED MOTION for Extension of Time to File <i>Joint Status Report</i> filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Foster, Owen) (Entered: 02/12/2019)
02/13/2019	46	ORDER GRANTING <u>45</u> Stipulated Motion for Extension of Time to File Joint Status Report. Signed by Judge Christina Reiss on 2/13/2019. (This is a text-only Order.) (ejh) (Entered: 02/13/2019)
03/05/2019	<u>47</u>	NOTICE of Attorney Substitution by Owen C.J. Foster, AUSA as to United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement(Foster, Owen) (Entered: 03/05/2019)
03/13/2019	<u>48</u>	SIXTH JOINT STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 03/13/2019)
03/26/2019	<u>49</u>	MOTION for Appearance Pro Hac Vice of Sarah Kim Pak filed by Matt Cameron, Migrant Justice. (Attachments: # <u>1</u> Declaration of Sarah Kim Pak, # <u>2</u> Certificate of Good Standing, # <u>3</u> Certificate of Service)(jlh) (Entered: 03/28/2019)
03/26/2019	<u>50</u>	Entry removed from the docket (Entered: 03/28/2019)

03/28/2019	51	NOTICE OF DOCKET ENTRY REMOVAL. Document 50 has been removed from the docket as entered to the wrong case. (jlh) (Entered: 03/28/2019)
03/29/2019	52	ORDER GRANTING <u>49</u> Motion of Sarah Kim Pak, Esq. for Admission Pro Hac Vice. Signed by Judge Christina Reiss on 3/29/2019. (This is a text-only Order.) (ejh) (Entered: 03/29/2019)
05/13/2019	<u>53</u>	SEVENTH JOINT STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 05/13/2019)
05/21/2019	<u>54</u>	NOTICE of Hearing: Telephone Conference set for 7/2/2019 at 03:00 PM in Burlington Courtroom 542 before Judge Christina Reiss.(jbr) (Entered: 05/21/2019)
07/02/2019	55	MINUTE ENTRY for proceedings held before Judge Christina Reiss: Telephone Conference held on 7/2/2019. Lia Ernst, Esq., Leah Lotto, Esq. and Joshua Stehlik, Esq. present for pltfs. Michael Sady, AUSA present for defts. Court makes inquiries. Statements by counsel. ORDERED: DHS process to commence, parties to continue with document production. Upon review of next status report, Court to schedule follow up telephone conference towards end of summer. (Court Reporter: Johanna Masse) (law) (Entered: 07/03/2019)
07/12/2019	<u>56</u>	STIPULATED MOTION for Extension of Time to File <i>joint status report</i> filed by Matt Cameron, Migrant Justice.(Ernst, Lia) (Entered: 07/12/2019)
07/15/2019	57	ORDER GRANTING <u>56</u> Joint Motion for Extension of Time to File Joint Status Report. Signed by Judge Christina Reiss on 7/15/2019. (This is a text-only Order.) (ejh) (Entered: 07/15/2019)
07/19/2019	<u>58</u>	EIGHTH JOINT STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 07/19/2019)
07/25/2019	<u>59</u>	NOTICE of Hearing: Telephone Conference set for 9/23/2019 at 10:00 AM in Burlington Courtroom 542 before Judge Christina Reiss.(jbr) (Entered: 07/25/2019)
09/17/2019	<u>60</u>	STATUS REPORT by Matt Cameron, Migrant Justice. (Ernst, Lia) (Entered: 09/17/2019)
09/23/2019	61	MINUTE ENTRY for proceedings held before Judge Christina Reiss: Telephone Conference held on 9/23/2019. Lia Ernst, Esq., Sarah Kim Pak, Esq., Joshua Stehlik, Esq., present on the telephone for pltf. Michael Sady, AUSA, present on the telephone for dft. Court makes inquiries. Statements by counsel. ORDERED: ICE to produce Vaughn sample of 1,000 pages (500 first production/500 second production). CBP to produce a Vaughn sample of 500 pages (250 first production/250 second production). Dft to provide status report by 9/27/2019 as to the amount of time needed to produce first wave of Vaughn pages. Dft to also provide status report as to how long the DHS tasker will need to complete the outstanding requests by pltf. Court will schedule a telephone conference based on dft status report and timeline. (Court Reporter: Johanna Masse) (jbr) Due date clarified on 9/23/2019 (law). (Entered: 09/23/2019)
09/27/2019	<u>62</u>	STATUS REPORT by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Sady, Michael) (Entered: 09/27/2019)